(i)SUBPARAGRAPH

SUMMARY ORDER NO. 00-9004 UNITED STATES COURT OF APPEALS SECOND CIRCUIT FILED SEPTEMBER 6, 2001

PAGE NO. 5 OF SUMMARY ORDER:

"We now turn to the District Court's denial of the Plaintiffs request to amend their complaint with regard to their due process claims against defendant Luskin. The District Court initially gave the plaintiff's thirty days from July 11, 2000, the date of its dismissal of the complaint, to replead their claims against Luskin. However, the Court improperly entered judgment on July 14, 2000, three days after the date of the dismissal. Thus, the plaintiffs' Notice of Appeal, filed on July 31, 2000, was an appeal from a non-final order, because the thirty day period for repleading had not yet expired. None the less, we hold that the District Court's judgment dismissing the case became final on August 10, 2000, thirty days from its initial dismissal, and we construe the plaintiffs' appeal as being from that final judgment. See Festa v. Local 3 Int'l Bhd of Elec. Workers, 905 F. 2d 35, 37 (2d Cir. 1990)

A1

("[S]ince the deadline imposed by the district court for amendment has passed, we will treat the present appeal as having been timely filed after the dismissal by the district court became final"). We accordingly have jurisdiction to consider this issue. We find that the District Court properly denied the plaintiffs' motion to amend, because that motion was ultimately filed on August 22, 2000, more than thirty days after the Court's July 11 dismissal. We have considered the appellants' remaining arguments and find them to be without merit. For the reasons set forth above, we AFFIRM the judgment of the District Court."

(i)SUBPARAGRAPH (ii) "any other relevant opinions, orders, findings of fact, and conclusions of law entered in the case by the Courts"—"and, if reference thereto is necessary to ascertain the grounds of the judgement"----

District Court Judgment – D.C. Dkt. #162 Appellate Court Attachment #15(2) Relevance is to quote verbatim District Court judgment dated July 14, 2000, in order to show – the misconstruction and incorrect portrayal of the facts on page 5 of

the just quoted verbatim, Summary Order of the Second Circuit.

Judgment Quoted:

"United States District Court, District of Connecticut filed July 14th, 12:43 PM 00 3:97CV2502(JCH) JUDGMENT"

"This matter came on before the Honorable Janet C. Hall United States District Judge, as a result of Defendants' Motion to Dismiss. The Court has reviewed all of the papers filed in conjunction with the motion and heard oral argument. On July 12, 2000, a Ruling on Pending Motions entered granting the defendants' Cheverie, et al motion to dismiss with prejudice and granting defendant Luskin's motion to dismiss with prejudice except that it is without prejudice as to the due process claim only. Therefore, it is ORDERED and ADJUDGED that judgment is entered for the defendants and the case is closed. Dated at Bridgeport, Connecticut, this 14th day of July, 2000."

Now see copy of Notice of Appeal D.C. Dkt.#165 Appellate Court Attachment #1 entered in (i)Appendix (vi) Notice Appeal taken on "Claim One" only

A3

(i)SUBPARAGRAPH (iii) Petition for Panel Rehearing/Rehearing En Banc denial quoted verbatim

"At a stated term of the United States Court of Appeals for the Second Circuit held at the United States Courthouse, Foley Square in the City of New York, on the 15th day of November Two Thousand and one"

"Wall

-v- Dkt. No:00-9004

Che. Filed

November 15, 2001"

"A petition for Panel Rehearing and a Petition for Rehearing En Banc having been filed herein by the appellants Gary R. Wall, William Cooksey Sr, and Stephen Manos, upon consideration by the panel that decided the appeal it is ordered that said petition for rehearing is **DENIED**. It is further noted that the petition for rehearing en banc has been transmitted to the judges for the Court in regular active service and to any other

judge that heard the appeal and that no such judge has requested that a vote be taken thereon."

(i)SUBPARAGRAPH (iv) Clarification necessary – Because of the fact that the Amended Civil Rights Act Complaint was intentionally never entered in the District Court Docket and the Memorandum In Support was fraudulently post dated. At this point any other answer to this subparagraph would only cause confusion at this point.

(i)SUBPARAGRAPH (v) " material required by subparagraph 1(f)"

[That would have been]—"involved in the case", [If the Amended Civil Rights Act Complaint was entered in the Record] –"set out verbatim with appropriate citation".---

"B. Jurisdiction"

"The jurisdiction of this Court is invoked pursuant to 28 USC 1331. Additional jurisdiction and venue are invoked pursuant to 28 USC 1391(e)also for violations of the plaintiff's rights under the due process clause of the 5th Amendment of the United States Constitution"

"C. Nature Of The Case

A5

"This action is being brought for equitable relief for violations of the cited plaintiffs constitutional rights under the 5th Amendment of the United States Constitution. Violations of the 5th Amendment occurring, predicated and causing proximate harm from 18 U.S.C. 371 violation. Harm from said violation in the furtherance of 18 U.S.C. 371 conspiracy harmingt the plaintiffs 5th Amendment Rights. Occurring from violations of both clauses of 18 U.S.C. 371(1) conspiracy to commit an offense against the United States. In this instant action, by corruptly administering and procuring the corrupt administration of the "Racketeering Influenced and Corrupt Organizations Act" (2) Conspiracy to defraud the United States. In this instant action by obstructing the lawful government functions of the Department of Justice [with Justice Department officials some known [wrongdoers] and unknown to the complainants] by deceit, craft, and dishonest means".

"D. Cause Of Action

A6

"The plaintiffs allege that their constitutional rights to due process clause of the 5th Amendment of the United States Constitution have been violated and their constitutional privileges to the remedial provisions and purposes of the Racketeering Influenced and Corrupt Organization Act, October 15, 1970 P. L. 91-452- Organized Crime Control Act of 1970 have been violated".

"Claim II: Fifth Amendment/Constitutional Protection"

"The plaintiffs allege that the following Federal Statutes have been violated: Both Clauses of 18 U.S.C. 371 and in the furtherance of said conspiracy violating the due process clause of the 5th Amendment of the United States Constitution, causing proximate harm in the form of violations of 18 USC 1962(b)(c)(d), 18 USC 1961(1)(5), 18 USC 1951, 18 USC 1951(b)(2), 18 USC 1341, 18 USC 1343, 18 USC 2, 18 USC 1512, 29USC 530, 29 USC 501(a), 29 USC 501(c), 18 USC 1959, 29 USC 401, 29 USC 411.

(i)SUBPARAGRAPH (vi)

1. Copy of Notice of Appeal on "**Claim I**" only.

2. Photo copy of face page of Civil rights Act Complaint form – Red Stamp enhanced to show clearly "Aug. 11, 12:46 PM 00"
3. Photo copy of Face page of "Plaintiffs Memorandum Of Law In Support of Plaintiffs Amended Complaint Form Claim II Civil Rights" – Red Stamp enhanced to show clearly "Aug. 11, 12:46 PM 00"
4. Photo copy of 2 pages of "Index to the Record on Appeal" page #23 and page #24 – showing "Amended Complaint Form Claim II Civil Rights" missing – and also showing the fraudulent post dating to 8/22/00 of "Plaintiffs Memorandum of Law in Support of Plaintiffs Amended Complaint Form Claim II Civil Rights"
5. Affidavit of Judith Dobrich District Court Dkt. #100 Appellate Court Attachment #12 – entered in Appendix (i)(vi).
6. Affidavit of Stephen Manos District Court Dkt. #101 Appellate Court Attachment #12 – entered in Appendix (i)(vi).

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GARY R. WALL,
WILLIAM COOKSEY SR,
STEPHEN MANOS
Plaintiffs

3:97-CV02502(JCH)

-v-

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, ROBERT LUSKIN, VERE O. HAYNES, MICHAEL S. BEARSE, DOMINICK LOPREATO, LABORERS' LOCAL 230, JOHN PEZZENTE, CHARLES LECONCHE ROBERT CHEVERIE, FRANK FREEMAN, LUSKIN/COIA/LOPREATO GROUP "L.C.L", THE ENTERPRISE

DATED: JULY 31, 2000

NOTICE OF APPEAL

SUBMITTED BY:

GARY R. WALL, PRO SE
60 Carriage Hill Drive
Wethersfield, Connecticut 06109
860-529-2651 860-563-5915

WILLIAM COOKSEY SR, PRO SE
1097 Maple Avenue
Hartford, Connecticut 06114
860-956-8334

STEPHEN MANOS, PRO SE
77 Hale Road
Glastonbury, Connecticut 06033
860-659-4266

NOTICE OF APPEAL

1. Pursuant to Federal Rules of Appellate Procedure 4(a)(1) and in compliance with F.R.A.P. 3(d) Gary R. Wall, William Cooksey SR, and Stephen Manos, hereby give notice and appeals to the United States Court of Appeals for the Second Circuit from judgment, granting defendant[s] 12(b)(6) motion citing: The plaintiffs did not meet the pattern and continuity requirements, or show the interstate commerce nexus Inter Alia in **Claim One** of instant complaint 3:97-CV02502(JCH), under 18 U.S.C. 1964(c) Racketeering Influenced and Corrupt Organization Act.

The Court in doing so in clear error of the construction, process, and application of RICO requirements subject to the showing of facts, pleadings, and multiple affidavits supporting the showing of an [Effective Date October 15, 1970] – [18 U.S.C. 1959 RICO Enterprise].

2. The Judgement in this action was entered on July 14, 2000.

Gary R Wall — July 31, 2000

SIGNATURE OF PERSON FILING APPEAL — DATED

GARY R. WALL, PRO SE
60 Carriage Hill Drive
Wethersfield, Connecticut 06109
860-529-2651 860-563-5915

U.S. DISTRICT COURT
CLERK
BRIDGEPORT, CONN.
AUG 11 12 46 PM '00
FILED

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

AMENDED COMPLAINT FORM

CLAIM II CIVIL RIGHTS

ACTION IN EQUITY PURSUANT TO RULE 18(a) F.R.C.P.
DEFENDANT LUSKIN PURSUANT TO LEAVE OF COURT
DEFENDANT HAYNES, LIUNA, LOCAL 230 PURSUANT TO RULE 15(c) F.R.C.P.

GARY R. WALL,
WILLIAM COOKSEY SR.,
STEPHEN MANOS,
Plaintiffs

-v-

ROBERT LUSKIN,
VERE O. HAYNES
LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA "LIUNA",
LABORERS' LOCAL 230
Defendants

CASE NO: 3:97-CV02502(JCH)

DATED: AUGUST 11, 2000

A. PARTIES PLAINTIFFS

1. Plaintiff Gary R. Wall is a citizen of Connecticut who presently resides at 60 Carriage Hill Drive, Wethersfield, Connecticut 06109.

2. Plaintiff William Cooksey Sr. is a citizen of Connecticut who presently resides at 1097 Maple Avenue, Hartford, Connecticut 06114.

3. Plaintiff Stephen Manos is a citizen of Connecticut who presently resides at 77 Hale Road, Glastonbury, Connecticut 06033.

CLERK
U.S. DISTRICT COURT
BRIDGEPORT, CONN.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED

CASE NO: 3:97-CV02502(JCH)

GARY R. WALL,
WILLIAM COOKSEY SR,
STEPHEN MANOS,
Plaintiffs

-v-

ROBERT LUSKIN,
VERE O. HAYNES,
LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA "LIUNA",
LABORERS' LOCAL 230

DATED: AUGUST 11, 2000

PLAINTIFFS MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS

AMENDED COMPLAINT FORM CLAIM II CIVIL RIGHTS

SUBMITTED BY:

GARY R. WALL, PRO SE
60 Carriage Hill Drive
Wethersfield, Connecticut 06109
860-529-2651 860-563-5915

WILLIAM COOKSEY SR, PRO SE
1097 Maple Avenue
Hartford, Connecticut 06114

STEPHEN MANOS, PRO SE
77 Hale Road
Glastonbury, Connecticut 06033

1/00	163	MOTION by Gary R. Wall, William Cooksey, Stephen Manos for Reconsideration of [161-1] order dated 7/12/00 re: [107-1] motion for Preliminary Hearing, [115-1] motion for Preliminary Hearing, [105-1] motion to Dismiss, [109-1] motion to Dismiss the unsigned "Second Amended Complaint", [145-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [123-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [155-1] motion for Clarification of Pleadings, [130-2] motion to Stay Discovery Pending ruling on Defendant's Motion to Dismiss (Brief Due 8/14/00) (ymg) [Entry date 07/24/00]
4/00	164	MEMORANDUM by Gary R. Wall, William Cooksey, Stephen Manos in support of [163-1] motion for Reconsideration of [161-1] order dated 7/12/00 re: [107-1] motion for Preliminary Hearing, [115-1] motion for Preliminary Hearing, [105-1] motion to Dismiss, [109-1] motion to Dismiss the unsigned "Second Amended Complaint", [145-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [123-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [155-1] motion for Clarification of Pleadings, [130-2] motion to Stay Discovery Pending ruling on Defendant's Motion to Dismiss (ymg) [Entry date 07/24/00]
31/00	165	NOTICE OF APPEAL of [162-1] judgment order by Gary R. Wall, William Cooksey, Stephen Manos FILING FEE $ 105.00 RECEIPT # B000576 Certified Copy of Appeal and Docket mailed to USCA (cdw) [Entry date 07/31/00]
10/00	166	TRANSCRIPT for date of 6/19/00 (Court reporter: Thea Finkelstein) (cdw) [Entry date 08/11/00]
/10/00	167	Defendants' Opposition by Robert M. Cheverie, Charles Leconche, Dominck Lopreato, John Pezzente, Laborers Intl Union, Vere O. Haynes, Robert D. Luskin, Michael S. Bearse, Frank Freeman to [163-1] motion for Reconsideration of [161-1] order dated 7/12/00 re: [107-1] motion for Preliminary Hearing, [115-1] motion for Preliminary Hearing, [105-1] motion to Dismiss, [109-1] motion to Dismiss the unsigned "Second Amended Complaint", [145-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [123-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [155-1] motion for Clarification of Pleadings, [130-2] motion to Stay Discovery Pending ruling on Defendant's Motion to Dismiss by Stephen Manos, William Cooksey, Gary R. Wall (vcm) [Entry date 08/14/00]

/17/00 168 MEMORANDUM by Robert D. Luskin in opposition to [163-1] motion for Reconsideration of [161-1] order dated 7/12/00 re: [107-1] motion for Preliminary Hearing, [115-1] motion for Preliminary Hearing, [105-1] motion to Dismiss, [109-1] motion to Dismiss the unsigned "Second Amended Complaint", [145-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [123-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [155-1] motion for Clarification of Pleadings, [130-2] motion to Stay Discovery Pending ruling on Defendant's Motion to Dismiss by Stephen Manos, William Cooksey, Gary R. Wall (ymg) [Entry date 08/17/00]

/22/00 169 MOTION (Memorandum of Support of Amended Complaint Form Claim II Civil Rights) by Gary R. Wall, William Cooksey, Stephen Manos to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall (Brief Due 9/12/00) (dac) [Entry date 08/22/00]

/25/00 170 REPLY by Gary R. Wall, William Cooksey, Stephen Manos to response to [163-1] motion for Reconsideration of [161-1] order dated 7/12/00 re: [107-1] motion for Preliminary Hearing, [115-1] motion for Preliminary Hearing, [105-1] motion to Dismiss, [109-1] motion to Dismiss the unsigned "Second Amended Complaint", [145-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [123-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall, [155-1] motion for Clarification of Pleadings, [130-2] motion to Stay Discovery Pending ruling on Defendant's Motion to Dismiss by Stephen Manos, William Cooksey, Gary R. Wall (dac) [Entry date 08/25/00]

/29/00 171 MOTION by Robert D. Luskin to Dismiss (Brief Due 9/19/00) (dac) [Entry date 08/29/00]

/29/00 172 MEMORANDUM by Robert D. Luskin in support of [171-1] motion to Dismiss (dac) [Entry date 08/29/00]

/31/00 173 OBJECTION by Robert M. Cheverie, Charles Leconche, Dominck Lopreato, John Pezzulate, Laborers Intl Union, Vere O. Haynes, Laborers' Local 230 re: [169-1] motion to Amend [99-1] amended complaint by Stephen Manos, William Cooksey, Gary R. Wall by Stephen Manos, William Cooksey, Gary R. Wall (dac) [Entry date 09/01/00]

5/00 174 MOTION by Gary R. Wall, William Cooksey, Stephen Manos to Compel an answer from Haynes, Liuna & Local 230 (Brief Due 9/26/00) (dac) [Entry date 09/06/00]

5/00 175 MEMORANDUM by Gary R. Wall, William Cooksey, Stephen Manos in support of [174-1] motion to Compel an answer from Haynes, Liuna & Local 230 (dac) [Entry date 09/06/00]

United States District Court
District of Connecticut

Gary R. Wall
William Cooksey Sr.
Stephen Manos
Plaintiffs

Case # 397 CV 02502 JCH

DKT # 100

v.

Robert Luskin et al.
Defendants

Date : August 30, 1999

Affidavit of Judith Dobrich
In Support of Second Amended Complaint

1. I am over the age of 18 & understand & believe in the obligation of an oath.

2. My name is Judith Dobrich & I reside at 77 Hale Road in Glastonbury, Ct.

3. I am a member of the Laborers' International Union of North America.

4. I have been a member of Local 230 since 1994.

5. I was present during a meeting of Stephen Manos & Assistant U.S. Attorney Craig Oswald & FBI special agent Ernest Luera.

6. This Spring of 1997 meeting was held at the FBI offices located in Meriden Ct.

7. I expressed concern for the safety of Mr. Manos regarding his association with the union bosses of Local 230.

8. I specifically stated:

"I am afraid that they are going to kill Steve & nobody will know why, because they're all going to lie."

9. U.S. Attorney Oswald stated:

"If anyone so much as mussed a hair on his [Manos's] ***head, we will swoop down."***

10. After Mr. Manos was brutally assaulted on July 30, 1997, & while he was still in the hospital, I immediately contacted the Chicago office of the Department of Justice.

11. Soon thereafter, that same office cut off all communication with me with no explanation.

By:

Judith Dobrich

State of Connecticut

County of Hartford

Subscribed & sworn to before me this 27 day of August, 1999

FRANCINE E. AUSTIN
NOTARY PUBLIC
COMM. EXPIRES 10-30-2002

United States District Court
District Of Connecticut

DFT# 101

Gary R. Wall
William Cooksey Sr.
Stephen Manos
Plaintiffs

Case # 397 CV 02502 JCH

v.

Robert Luskin et al.
Defendants

Date: August 30, 1999

Affidavit of Stephen Manos
In Support Of Second Amended Complaint

1. I am over the Age of 18 & understand & believe in the obligation of an oath.

2. My name is Stephen Manos & I reside at 77 Hale Road in Glastonbury Ct.

3. I am a retired member of the Laborers' International Union of North America.

4. I was Vice-President of Hartford Local 230 from June, 1995 to June 1998.

5. In March of 1997, I personally met with Assistant U.S. Attorney Craig Oswald & FBI Special Agent Ernest Luera in the FBI offices in Meriden Connecticut.

6. Oswald & Luera work out of the Department of Justice in Chicago Illinois.

7. The purpose of this meeting was to discuss racketeering activity occurring inside of Local 230.

8. I personally told Oswald & Luera that I was concerned about my physical safety because of my providing information to them.

9. Assistant U. S. Attorney Oswald responded with the following statement:

"If anyone musses a hair on your head, we will swoop down."

10. I was physically assaulted by union officials at a local 230 Executive Board meeting held on July 30, 1997.

11. I reported this assault to Oswald & Luera, & was subsequently abandoned by their department with all communication cut off & never an explanation.

By:

Stephen Manos

State of Connecticut

County Of Hartford

Subscribed & sworn to before me this 27 Day of August, 1999

Francine E. Austin

Comm Ex 11/30/2002

FRANCINE E. AUSTIN
NOTARY PUBLIC
COMM. EXPIRES _____